

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

(no.) _____

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FITZGERALD

Viz:

1 At the appropriate place, insert the following new

2 title:

3 **TITLE _____—CHILD PASSENGER**
4 **SAFETY**

5 **SEC. ____1. SHORT TITLE.**

6 This title may be cited as “Anton’s Law”.

1 **SEC. ____2. IMPROVEMENT OF SAFETY OF CHILD RE-**
2 **STRAINTS IN PASSENGER MOTOR VEHICLES.**

3 (a) IN GENERAL.—Not later than 12 months after
4 the date of the enactment of this title, the Secretary of
5 Transportation shall initiate a rulemaking proceeding to
6 establish performance requirements for child restraints,
7 including booster seats, for the restraint of children weigh-
8 ing more than 50 pounds.

9 (b) ELEMENTS FOR CONSIDERATION.—In the rule-
10 making proceeding required by subsection (a), the Sec-
11 retary shall—

12 (1) consider whether to include injury perform-
13 ance criteria for child restraints, including booster
14 seats and other products for use in passenger motor
15 vehicles for the restraint of children weighing more
16 than 40 pounds, under the requirements established
17 in the rulemaking proceeding;

18 (2) consider whether to establish performance
19 requirements for seat belt fit when used with booster
20 seats and other belt guidance devices;

21 (3) consider whether to develop a solution for
22 children weighing more than 40 pounds who only
23 have access to seating positions with lap belts, such
24 as allowing tethered child restraints for such chil-
25 dren; and

1 (4) review the definition of the term “booster
2 seat” in Federal motor vehicle safety standard No.
3 213 under section 571.213 of title 49, Code of Fed-
4 eral Regulation, to determine if it is sufficiently
5 comprehensive.

6 (c) COMPLETION.—The Secretary shall complete the
7 rulemaking proceeding required by subsection (a) not later
8 than 30 months after the date of the enactment of this
9 Act.

10 **SEC. ____ 3. REPORT ON DEVELOPMENT OF CRASH TEST**
11 **DUMMY SIMULATING A 10-YEAR OLD CHILD.**

12 Not later than 120 days after the date of the enact-
13 ment of this Act, the Secretary of Transportation shall
14 submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on En-
16 ergy and Commerce of the House of Representatives a re-
17 port on the current schedule and status of activities of
18 the Department of Transportation to develop, evaluate,
19 and certify a commercially available dummy that simulates
20 a 10-year old child for use in testing the effectiveness of
21 child restraints used in passenger motor vehicles.

22 **SEC. ____ 4. REQUIREMENTS FOR INSTALLATION OF LAP**
23 **AND SHOULDER BELTS.**

24 (a) IN GENERAL.—Not later than 24 months after
25 the date of the enactment of this Act, the Secretary of

1 Transportation shall complete a rulemaking proceeding to
2 amend Federal motor vehicle safety standard No. 208
3 under section 571.208 of title 49, Code of Federal Regula-
4 tions, relating to occupant crash protection, in order to—

5 (1) require a lap and shoulder belt assembly for
6 each rear designated seating position in a passenger
7 motor vehicle with a gross vehicle weight rating of
8 10,000 pounds or less, except that if the Secretary
9 determines that installation of a lap and shoulder
10 belt assembly is not practicable for a particular des-
11 ignated seating position in a particular type of pas-
12 senger motor vehicle, the Secretary may exclude the
13 designated seating position from the requirement;
14 and

15 (2) apply that requirement to passenger motor
16 vehicles in phases in accordance with subsection (b).

17 (b) IMPLEMENTATION SCHEDULE.—The requirement
18 prescribed under subsection (a)(1) shall be implemented
19 in phases on a production year basis beginning with the
20 production year that begins not later than 12 months after
21 the end of the year in which the regulations are prescribed
22 under subsection (a). The final rule shall apply to all pas-
23 senger motor vehicles with a gross vehicle weight rating
24 of 10,000 pounds or less that are manufactured in the

1 third production year of the implementation phase-in
2 under the schedule.

3 (c) REPORT ON DETERMINATION TO EXCLUDE.—

4 (1) REQUIREMENT.—If the Secretary deter-
5 mines under subsection (a)(1) that installation of a
6 lap and shoulder belt assembly is not practicable for
7 a particular designated seating position in a par-
8 ticular type of motor vehicle, the Secretary shall
9 submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Energy and Commerce of the House of Representa-
12 tives a report specifying the reasons for the deter-
13 mination.

14 (2) DEADLINE.—The report under paragraph
15 (1) shall be submitted, if at all, not later than 30
16 days after the date on which the Secretary issues a
17 final rule under subsection (a).

18 **SEC. ____ 5. TWO-YEAR EXTENSION OF CHILD PASSENGER**
19 **PROTECTION EDUCATION GRANTS PROGRAM.**

20 Section 2003(b)(7) of the Transportation Equity Act
21 for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328)
22 is amended by striking “and 2001.” and inserting
23 “through 2004.”

1 **SEC. ____6. GRANTS FOR IMPROVING CHILD PASSENGER**
2 **SAFETY PROGRAMS.**

3 (a) IN GENERAL.—Chapter 4 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 412. Grant program for improving child passenger**
7 **safety programs**

8 “(a) STANDARDS AND REQUIREMENTS REGARDING
9 CHILD RESTRAINT LAWS.—Not later than October 1,
10 2003, the Secretary shall establish appropriate criteria ap-
11 plicable to child restraint laws for purposes of eligibility
12 for grants under this section. The criteria shall be con-
13 sistent with the provisions of Anton’s Law.

14 “(b) REQUIREMENT TO MAKE GRANTS.—

15 “(1) IN GENERAL.—The Secretary shall make a
16 grant to each State and Indian tribe that, as deter-
17 mined by the Secretary, has a child restraint law in
18 effect on September 30, 2004.

19 “(2) LIMITATION ON NUMBER OF GRANTS.—
20 Not more than one grant may be made to a State
21 or Indian tribe under this section.

22 “(3) COMMENCEMENT.—The requirement in
23 paragraph (1) shall commence on October 1, 2004.

24 “(c) GRANT AMOUNT.—The amount of the grant to
25 a State or Indian tribe under this section shall be the
26 amount equal to five times the amount provided to the

1 State or Indian tribe, as the case may be, under section
2 2003(b)(7) of the Transportation Equity Act for the 21st
3 Century (23 U.S.C. 405 note) in fiscal year 2003.

4 “(d) USE OF GRANT AMOUNTS.—

5 “(1) IN GENERAL.—A State or Indian tribe
6 shall use any amount received by the State or Indian
7 tribe, as the case may be, under this section to carry
8 out child passenger protection programs for children
9 under the age of 16 years, including programs for
10 purposes as follows:

11 “(A) To educate the public concerning the
12 proper use and installation of child restraints,
13 including booster seats.

14 “(B) To train and retain child passenger
15 safety professionals, police officers, fire and
16 emergency medical personnel, and educators
17 concerning all aspects of the use of child re-
18 straints.

19 “(C) To provide child restraint systems, in-
20 cluding booster seats and the hardware needed
21 for their proper installation, to families that
22 cannot otherwise afford such systems.

23 “(D) To support enforcement of the child
24 restraint law concerned.

1 “(2) LIMITATION ON FEDERAL SHARE.—The
2 Federal share of the cost of a program under para-
3 graph (1) that is carried out using amounts from a
4 grant under this section may not exceed 80 percent
5 of the cost of the program.

6 “(e) ADMINISTRATIVE EXPENSES.—The amount of
7 administrative expenses under this section in any fiscal
8 year may not exceed the amount equal to five percent of
9 the amount available for making grants under this section
10 in the fiscal year.

11 “(f) APPLICABILITY OF CHAPTER 1.—The provisions
12 of section 402(d) of this title shall apply to funds author-
13 ized to be appropriated to make grants under this section
14 as if such funds were highway safety funds authorized to
15 be appropriated to carry out section 402 of this title.

16 “(g) DEFINITIONS.—In this section:

17 “(1) CHILD RESTRAINT LAW.—The term ‘child
18 restraint law’ means a law that—

19 “(A) satisfies standards established by the
20 Secretary under Anton’s Law for the proper re-
21 straint of children who are over the age of 3
22 years or who weigh at least 40 pounds;

23 “(B) prescribes a penalty for operating a
24 passenger motor vehicle in which any occupant
25 of the vehicle who is under the age of 16 years

1 is not properly restrained in an appropriate re-
2 straint system (including seat belts, booster
3 seats used in combination with seat belts, or
4 other child restraints); and

5 “(C) meets any criteria established by the
6 Secretary under subsection (a) for purposes of
7 this section.

8 “(2) PASSENGER MOTOR VEHICLE.—The term
9 ‘passenger motor vehicle’ has the meaning given that
10 term in section 405(f)(5) of this title.

11 “(3) STATE.—The term ‘State’ has the mean-
12 ing given in section 101 of this title and includes
13 any Territory or possession of the United States.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of that chapter is amended by inserting
16 after the item relating to section 411 the following new
17 item:

“412. Grant program for improving child passenger safety programs.”.

18 **SEC. ____7. DEFINITIONS.**

19 In this Act:

20 (1) CHILD RESTRAINT.—The term “child re-
21 straint” means any product designed to provide re-
22 straint to a child (including booster seats and other
23 products used with a lap and shoulder belt assem-
24 bly) that meets applicable Federal motor vehicle

1 safety standards prescribed by the National High-
2 way Traffic Safety Administration.

3 (2) PRODUCTION YEAR.—The term “production
4 year” means the 12-month period between Sep-
5 tember 1 of a year and August 31 of the following
6 year.

7 (3) PASSENGER MOTOR VEHICLE.—The term
8 “passenger motor vehicle” has the meaning given
9 that term in section 405(f)(5) of title 23, United
10 States Code.

11 **SEC. ____ 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Sec-
13 retary of Transportation such sums as may be necessary
14 to carry out this Act, including the making of grants
15 under section 412 of title 23, United States Code, as
16 added by section ____ 6.